

ESTTA Tracking number: **ESTTA810739**

Filing date: **03/31/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Shiseido Americas Corporation d/b/a Laura Mercier Cosmetics
Granted to Date of previous extension	04/02/2017
Address	900 Third Avenue New York, NY 10022 UNITED STATES
Party who filed Extension of time to oppose	Gurwitch Products, LLC
Relationship to party who filed Extension of time to oppose	Gurwitch Products, LLC was merged into Opposer Shiseido Americas Corporation d/b/a Laura Mercier Cosmetics

Attorney information	Dennis Prah Ladas & Parry, LLP 1040 Avenue of the Americas New York, NY 10018 UNITED STATES DPrah@ladas.com, rcathcart@ladas.com, jkwon@ladas.com, jion-in@ladas.com, rroa@ladas.com, aweiss@ladas.com Phone:(212) 708-1817
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### Applicant Information

Application No	86899973	Publication date	10/04/2016
Opposition Filing Date	03/31/2017	Opposition Period Ends	04/02/2017
Applicant	Vahia, Krupa 3305 NE 11th DR Miami, Homestead, FL 33033 UNITED STATES		


### Goods/Services Affected by Opposition

Class 003. First Use: 2015/09/05 First Use In Commerce: 2015/09/05 All goods and services in the class are opposed, namely: Cosmetic oils
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2539403	Application Date	04/21/2000
Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	RE VIVE		
Design Mark			
Description of Mark	The mark is presented without any claim as to special form.		
Goods/Services	Class 003. First use: First Use: 1997/03/05 First Use In Commerce: 1997/03/05 Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels Class 005. First use: First Use: 1997/03/05 First Use In Commerce: 1997/03/05 Medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels		

U.S. Registration No.	2875712	Application Date	04/14/2003
Registration Date	08/17/2004	Foreign Priority Date	NONE
Word Mark	RĀ# VIVE. GET THE GLOW.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/03/00 First Use In Commerce: 2004/04/00 Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels		

U.S. Registration No.	3787890	Application Date	03/06/2008
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	ACNE REPARATIF RĀ# VIVE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 2008/08/30 First Use In Commerce: 2008/08/30 Non-medicated skin care preparations, namely, gels; non-medicated acne treatment preparations
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Attachments	76032093#TMSN.png( bytes ) 78237618#TMSN.png( bytes ) 77415089#TMSN.png( bytes ) Notice of Opposition - Krupa Vahia.pdf(853169 bytes )
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Signature	/Dennis S. Prah/
Name	Dennis Prah
Date	03/31/2017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SHISEIDO AMERICAS CORPORATION	:	
D/B/A LAURA MERCIER COSMETICS,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Serial No. 86/899,973
	:	
KRUPA VAHIA,	:	
	:	
Applicant.	:	
	:	
	X	

**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 86/899,973, filed on February 6, 2016, by Krupa Vahia, an individual with an address at 3305 NE 11th Dr., Miami, Homestead, Florida 33033 (“Applicant”), seeking registration on the Principal Register of REVIVE REBUILD IGROW OILS NOURISHING OIL & Design (Stylized) in connection with “Cosmetic oils” in International Class 3 (“Applicant’s REVIVE Mark”), which application was published for opposition on October 4, 2016, with extensions of time to file a Notice of Opposition granted up to and including April 2, 2017, to Gurwitch Products, LLC, which entity was merged into Opposer Shiseido Americas Corporation;

Whereas Shiseido Americas Corporation d/b/a Laura Mercier Cosmetics, a Delaware Corporation having an address at 900 Third Avenue, New York, New York 10022 (“Opposer”), believes that it is or will be damaged by the registration of REVIVE REBUILD IGROW OILS NOURISHING OIL & Design Application Serial No. 86/899,973 and hereby opposes registration of Applicant’s REVIVE Mark on the following ground:

**§ 2(d) Likelihood of Confusion**

1. Opposer is the owner of the common law rights and goodwill to the mark RÉ VIVE, as well as the following incontestable trademark registrations, which are each valid, subsisting, and in full force and effect (Opposer's "RÉ VIVE Marks"):

<b>Mark</b>	<b>Recited Goods (Claimed First Use in Commerce)</b>	<b>Reg. No. (Filing Date; Reg. Date)</b>
RÉ VIVE	"Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels" in Class 3 (March 5, 1997)  "Medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels" in Class 5 (March 5, 1997)	Reg. No. 2,539,403 (Filed Apr. 21, 2000; Registered Feb. 19, 2002)
RÉ VIVE. GET THE GLOW.	"Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels" in Class 3 (April 2004)	Reg. No. 2,875,712 (Filed Apr. 14, 2003; Registered Aug. 17, 2004)
ACNE REPARATIF RÉ VIVE	"Non-medicated skin care preparations, namely, gels; non-medicated acne treatment preparations" in Class 3 (August 30, 2008)	Reg. No. 3,787,890 (Filed March 6, 2008; Registered May 11, 2010)

2. Opposer adopted and has continuously used its RÉ VIVE Marks in connection with skin products in Classes 3 and 5 since at least as early as March 1997, decades before the February 6, 2016 filing date of the subject application for registration of Applicant's REVIVE Mark and Applicant's claimed first use date of September 5, 2015.

3. Opposer has extensively advertised, promoted, marketed, and sold products under its RÉ VIVE Marks such that consumers have come to know and recognize its RÉ VIVE Marks as identifying goods which originate with, are authorized by, or otherwise identify, Opposer.

4. Applicant's use and application for registration of the confusingly similar Applicant's REVIVE Mark in connection with the recited goods in International Class 3, which

are related to the goods marketed and sold by Opposer under its RÉ VIVE Marks, constitutes use and registration of a mark confusingly similar to Opposer's RÉ VIVE Marks.

5. Applicant's REVIVE Mark so resembles Opposer's RÉ VIVE Marks such that the average consumer is likely to be confused, mistaken, or deceived into believing that Applicant's goods originate with Opposer or are in some way associated with or connected, sponsored, or authorized by Opposer.

6. Insofar as some of the recited goods are arguably not identical, consumers are likely to believe that Opposer has "bridged the gap" or expanded to additional related and/or complimentary goods within Opposer's Natural Zone of Expansion.

WHEREFORE, Opposer requests that this opposition be sustained and that REVIVE REBUILD IGROW OILS NOURISHING OIL & Design Application Serial No. 86/899,973 be refused registration.

Respectfully submitted,

**LADAS & PARRY LLP**  
Attorneys for Opposer

Dated: March 31, 2017

By: 

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(Our Ref: C16687278)

**CERTIFICATE OF TRANSMISSION**

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** has been transmitted electronically to the United States Patent and Trademark Office on the date indicated:

Dated: March 31, 2017

  
Reinaldo M. Roa